

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 16, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-13886 - APPLICANT/OWNER: JOSE SANDOVAL**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission's motion for approval failed with a 3-3 tie vote, therefore, no recommendation will be forwarded to City Council.

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-13889), General Plan Amendment (GPA-13885) and Variance (VAR-13888) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 05/30/06, except as amended by conditions herein.
4. Waivers from 19.12.040 are hereby approved, to allow an eight foot perimeter landscape buffer where 10 feet is the minimum required, to allow no trees on the north and south property lines where six on the north side and six on the south side are required, to allow seven trees on the west property line where eight are required, and to allow no parking lot landscape fingers where two are required.
5. A landscape plan must be submitted reflecting the correct number and type of trees and landscape fingers in the parking area as required in Title 19.12.040 and Title 19.10.010.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
7. The trash enclosure is located 49 feet from the nearest residentially zoned property on site plans date stamped 05/30/06. The must be relocated at a minimum of 50 feet from any residentially zoned property.
8. Air conditioning units shall not be mounted on rooftops.

9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

#### Public Works

14. Coordinate with the City Surveyor to determine whether a Merger and Re-Subdivision Map or other map is necessary; comply with the recommendations of the City Surveyor.
15. Provide a Site Visibility Restriction Zone at the southwest corner of Harris Avenue and McKnight Street.
16. All landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
17. Site development to comply with all applicable conditions of approval for ZON-13889 and all other subsequent site-related actions.

## **\*\* STAFF REPORT \*\***

### **APPLICATION REQUEST**

This application is a request for a Site Development Plan Review for an eight unit apartment complex and a waiver of landscape buffer requirements on 0.38 acre at 2750 Harris Avenue.

### **EXECUTIVE SUMMARY**

The site plan for this project shows two, two-story multi-family residential buildings. The site is adjacent to R-E (Residential Estates) single family homes on the east, west and south sides. There is an accompanying Rezoning request (ZON-13889) to R-3. This site configuration does not meet front and rear yard setbacks, Residential Adjacency standards, and it is not compatible with the adjacent properties which are significantly lower in density than the proposed site. The site is also designed with landscape buffers that do not meet the adjacent right-of-way or adjacent existing single family residential standards. Therefore, staff recommends denial of this request.

### **BACKGROUND INFORMATION**

#### ***A) Related Actions***

- 07/13/06      The Planning Commission recommended approval of companion items GPA-13885 and ZON-13889 and ended in a tie vote of item VAR-13888 concurrently with this application.
- 07/13/06      The Planning Commission's motion for approval failed with a 3-3 tie vote, (PC Agenda Item #34/ejb).

#### ***B) Pre-Application Meeting***

- 05/17/06      A pre-application meeting was held to discuss the applicable General Plan Amendment, Rezoning, Site Development Plan Review and Variance on the subject property.

***C) Neighborhood Meetings***

06/20/06 A neighborhood meeting sponsored by the applicant was held at the East Las Vegas Senior Center at 250 North Eastern Avenue. No citizens were in attendance.

***D) Code Enforcement Information***

Code Enforcement indicates that there is an open violation of an illegally un-permitted structure on the subject property. The violation has been ongoing since 03/07/06. Code Enforcement also indicates that they are in the process of citing the owner for the subject violation.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 0.38 Acres

***B) Existing Land Use***

Subject Property:	Single Family Residence
North:	Elementary School
South:	Single Family Residence
East:	Single Family Residence
West:	Single Family Residence

***C) Planned Land Use***

Subject Property:	L (Low Density Residential) – proposed M (Medium Density Residential)
North:	PF (Public Facilities)
South:	L (Low Density Residential)
East:	M (Medium Density Residential)
West:	L (Low Density Residential)

***D) Existing Zoning***

Subject Property:	R-E (Residence Estates) proposed R-3 (Limited Multiple Residence)
North:	C-V (Civic)
South:	R-E (Residence Estates)
East:	R-E (Residence Estates)
West:	R-E (Residence Estates)

***E) General Plan Compliance***

The subject site is located within the Southeast Sector of the General Plan with an L (Low Density Residential) land use designation, which allows for residential development of up to 5.49 dwelling units per acre. A concurrent application proposed to amend the General Plan to M (Medium Density Residential) which allows for density up to 25.49 dwelling

units per acre. The proposed rezoning to the R-3 (Medium Density Residential) zoning district is consistent with the proposed Medium Density Residential General Plan designation.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		X
<b>Special Overlay District</b>		X
<b>Trails</b>		X
<b>Rural Preservation Overlay District</b>		X
<b>County/North Las Vegas/HOA Notification</b>		X
<b>Development Impact Notification Assessment</b>		X
<b>Project of Regional Significance</b>		X

## **PROJECT DESCRIPTION**

The proposed development consists of eight, two-bedroom units within two buildings. The buildings are arranged on the north and south ends of the property with the parking area in the center. Both of the residential buildings have a height of 22 feet, 1 inch.

Primary access to the site is from McKnight Street. A total of 16 parking spaces are provided where 16 are required.

Landscape buffers are provided on the perimeter of the site. However, the landscape buffer on the north property line along Harris Avenue is shown as eight feet where 10 feet is the minimum required and the landscape buffer on the west side of the property, adjacent to a single family residence, is 10 feet, 8 inches where a 15 feet buffer is required. Miscellaneous desert shrubs are shown along the north and south property lines where trees of at least 24" box in size are required at one tree/20 linear feet. There is also a deficiency in the number of trees provided along the west property line.

The submitted floor plan shows a two bedroom, two-story unit, 900 square feet in size.

## **ANALYSIS**

### ***A) Zoning Code Compliance***

#### **A1) Development Standards**

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

<b>Standards</b>	<b>Required</b>	<b>Requested</b>	<b>Compliance</b>
Min. Lot Size	6,500 Square Feet	16,550 Square Feet	Y
Min. Setbacks			
• Front	20 Feet	8 Feet	N
• Side	5 Feet	10 Feet	Y
• Corner	5 Feet	10 Feet	Y
• Rear	20 Feet	8 Feet	N
Max. Building Height	2 Stories / 35 Feet	2 Stories/ 22 Feet	Y
Trash Enclosure	50 Feet	49 Feet	N

An accompanying Variance (VAR-13888) is requested to allow an eight foot front yard and rear yard setback where 10 feet is the minimum required setback. Staff recommends denial.

The trash enclosure is currently noted at 49 feet from the nearest residentially zoned property line where 50 feet is the minimum distance required. A condition will be added to the Site Development Plan Review request to require the trash enclosure be moved to a minimum of 50 feet from the residential property line.

**A2) Residential Adjacency Standards**

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. The proposed multi-family development does not meet the 3:1 residential adjacency slope to an R-E (Residential Estates) zoned property as required by Title 19.08.060 with a maximum building height of 22 feet. The multi-family development is required to be located a minimum of 66 feet from the adjacent single family property line and the site plan shows 8 feet. The subject deviation is 88%.
- b) Building setback. The adjoining western property is zoned R-E and has a minimum side yard setback of 10 feet. Residential Adjacency Standards state that the side yard setback of the proposed multi-family development must match the side setback of the single family home. The applicant provides 10 feet where 10 feet is required; therefore there is no deviation.

**A3) Parking and Traffic Standards**

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Multi-family – Two bedrooms	N/A	1.75 spaces per unit, plus 1 guest space for every six units	16	1	16	1

The proposed 8-unit, multi-family proposal meets the parking requirements set forth in Title 19.10.

#### A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree / 6 Spaces	3 Trees	4 Trees
Buffer:			
• Min. Trees	1 Tree/20 Linear Feet	8 Trees	7 Trees
• Min. Zone Width	10 Feet – along Harris Avenue 15 Feet – buffer between multi-family and single family residences		8 Feet 10 Feet, 8 Inches

The proposal does not meet the minimum landscape buffer width requirement both along Harris Avenue and between the proposed multi-family use and adjacent single family use. The subject deviation along Harris Avenue is 20% and the subject deviation along the west property line is 47%. A waiver of perimeter landscape buffer requirements accompanies this Site Development Plan Review.

The submitted site plan does not reflect the required number of trees in the buffer area. A condition of approval will be added to the Site Development Plan Review to require the correct number and type trees required per Title 19.12.040.

The submitted site plan does not show the parking lot landscape finger requirement of one finger for every six spaces.

#### B) General Analysis and Discussion

- Zoning

The site is currently zoned R-E (Residence Estates) on 0.38 acre, [L (Low Density Residential) Master Plan Designation]. The applicant requests an amendment to the

General Plan to change the existing L (Low Density Residential) land use designation on the site to M (Medium Density Residential), which would allow up to 25.49 units per acre. The applicant is also requesting a Rezoning (ZON-13889) to R-3 (Limited Multiple Residence) to allow a net density of 21.05 units per acre for this project.

- Site Plan

The site is bound by single family homes on the east, west and south sides, and an elementary school across the street to the north. The cluster of single family residential property where the site sits is surrounded by multi-family uses. The proposal of two, two-story buildings adjacent to single family residences at a distance of 8 feet from the single family home property line is inappropriate, and is grounds for denial of this Site Development Plan Review.

- Waivers

The site requires a Waiver of perimeter and parking area landscape requirements. The applicant requests a perimeter landscaping buffer of eight feet where 10 feet is required, a perimeter landscape buffer adjacent to a single family residence of 10 feet, 8 inches where 15 feet is required, and zero parking lot fingers where two are required. Staff does not support the request for a waiver of perimeter buffer landscaping, as the buffer area is necessary in order to protect neighboring residential properties from the impact a new, multi-family residential development would have on the area. Staff can support the request for a waiver of parking lot fingers, as the site provides two landscaping strips on either end of the parking area as part of the provided landscape buffer.

- Elevation

The proposed two, two-story buildings are 22 feet, 1 inch in height. Because this property is being proposed for multi-family residences and is adjacent to an R-E (Residence Estates) lot, Residential Adjacency requirements apply. As part of the accompanying Variance request (VAR-13888), the applicant requests a Residential Adjacency standard of 8 feet where 66 feet is required.

- Floor Plan

The submitted floor plan shows a two-bedroom, 900 square foot, two-story design.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:



1. **“The proposed development is compatible with adjacent development and development in the area;”**

The land use is appropriate for the area; however, the development as proposed is too intense in the context of single-family development adjacent to the east, west and south of the subject property. The structures are proposed to be too close to existing developments.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

There is a companion General Plan Amendment (GPA-13885) with this item. The request is for M (Medium Density Residential) land use designation. The R-3 (Limited Multiple Residence) zone would be in conformance with this General Plan designation. With approval of the General Plan Amendment (GPA-13885) the proposal will be in conformance with the General Plan.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

Primary site ingress and egress is proposed from McKnight Street, a 50-foot Right-of-Way. Traffic from the proposed development entering onto Harris Avenue from McKnight Street will increase, but this should not have a significant negative impact on the neighborhood as a whole.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

Building materials are typical of apartment and condominium buildings in the Las Vegas Valley. Landscaping materials are drought-tolerant and compatible with existing development.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

The proposed elevations do not illustrate compliance with Residential Adjacency Standards along the south and west perimeter of the site. Therefore, they are not compatible with existing single-family development in the area.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**



The development will be subject to inspections, and appropriate measures will be taken to protect the public health, safety and general welfare.

### **PLANNING COMMISSION ACTION**

The Planning Commission recommended fire sprinklers in all units and the applicant concurred. This condition would be appropriate to add, if approved.

### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 11

**ASSEMBLY DISTRICT** 28

**SENATE DISTRICT** 2

**NOTICES MAILED** 93 by Planning Department

**APPROVALS** 0

**PROTESTS** 0